IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEALS Nos.1047/97, 1051/97 and 1095/97
with
Civil Applications Nos.8089/97, 10941/97, and 10971/97.

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR.K.G.BALAKRISHNAN
and
MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

GUJARAT AGRI UNIVERSITY

Versus

RATHOD LABHU BECHAR

Appearance:

MR DG CHAUHAN for Appellant
MRS DT SHAH for Respondents

CORAM : CHIEF JUSTICE MR.K.G.BALAKRISHNAN and
MR.JUSTICE M.H.KADRI

Date of decision: 24/09/98

C.A.V. Judgment: (Per: Kadri, J.)

1. The Gujarat Agricultural University, Junagadh, is

the appellant in this group of three appeals.

2. In this group of appeals, which are filed under clause 15 of the Letters Patent, the appellant challenges the common judgment and order dated 08/23.4.1997 passed by the learned single Judge in Special Civil Applications Nos.2794/94, 2795/94 and 6466/93. As the common questions of law and facts arise in these appeals, they are disposed of by this common judgment.

3. 23 respondents, in Letters Patent Appeal No.1047/97, were working as carpenters, masons, plumbers, etc. in the appellant-university campus. The appellant has a huge campus covering the large area of about 16000 sq.mtrs and 240 staff quarters of the employees at Junagadh and other places. Nine respondents, in Letters Patent Appeal N.R

helpers-cum-operator, masons, carpenters, etc. in the appellant-university since last more than 10 to 15 years as daily rated workers. Six respondents, in Letters Patent Appeal no.1095/97, were working as field labourers with the appellant. The respondents-workmen had wide experience and they were skilled labourers. However, the respondents-workmen were not given the status of permanent employees and, therefore, they raised an industrial dispute before the Labour Commissioner, Gujarat State, Ahmedabad. The Deputy Labour Commissioner, Ahmedabad, vide notification No.KH-SHHC-18100-5.5 -IDR-AJ-G-1462-87, and notification No.M.K.H.S.H.S.C...167840...5.5.IDR-AJ..5-6464.87, referred the dispute to the Industrial Tribunal, Rajkot, by raising the following question.

(i) Whether the workmen shown in the Schedule should be made permanent on and from the completion of 240 days or not ? If yes, whether they should be paid all the benefits available to the permanent workmen i.e. arrears from the date of their completion or not ?

4. In Letters Patent Appeal No.1095/97, the Deputy Labour Commissioner, Ahmedabad, by notification No.K.H.-SHHC 25631 5.5-IDR-AJG-862-88, dated 6.2.1989, referred the dispute to the Labour Court, by raising the following questions.

(i) Whether the workmen working in the institute should be classified in terms of the seniority and should be given the service book or not R

from the date when they complete 240 days service, and whether they should be given all benefits available to the permanent employees or not ?

5. The references in the subject matter of Letters Patent Appeals Nos.1047/97 and 1051/97 were numbered as References Nos.(ITR) 307/87 and 314/87 by the Industrial Tribunal, Rajkot. The reference in the subject matter of Letters Patent Appeal No.1095/97 was numbered as Reference No.(LCD) 67/89 by the Labour Court, Surendranagar. In all the references, oral as well as documentary evidence was led before the Tribunal. In References Nos.(ITR) 307/87 and 314/87, total 32 employees, who were working on daily rated wages, had prayed to confer them the status of permanent employees in the appellant. The Tribunal, after appreciating oral as well as documentary evidence and the arguments of the learned advocates of the respective side, passed the award dated July 23, 1993. The operative portion of the order reads as under:

"Both references are allowed and it is hereby directed that the services of those workers who have completed 10 years (with minimum of 240 days) as on 1.1.1993 be regularised and they be paid pay and allowances, and be conferred all other benefits that are conferred on permanent Class-IV employee, with condition that the plumbers, operator-cum-mechanic, carpenters, and such others, in respect of whom qualifications are prescribed as per rules, shall not be eligible to earn increments after regularisation until they obtain qualifications, but on attaining such qualifications, they would be entitled to past increments for fixation of pay, but with no right of past arrears thereto. Ten year prior to 1.1.1993 would be notional period of permanency.

It is further directed that services of those who have not completed 10 years as on 1.1.1993 be regularised in a phased manner as and when they complete 10 years of service, conditions of qualifications remaining the same.

This order shall not be operative in respect of those persons who were not on roll on 3.8.1987 i.e, date of reference.

The university shall pay composite costs of Rs.1500/- for two references."

6. In Reference No.(LCD) 67/89, the Presiding Officer, Labour Court, Surendranagar, passed the award on November 21, 1992. The operative portion of the order

reads as under:

"The Opponent herein - Manager, Gujarat Agricultural University, Halvad, is directed to make permanent the applicants herein namely (1) Shri Chokidar Karmal Vershibhai Rabari; (2) Goyati Rabari Virhabhai Vershibhai, (3) Helper Rabari Gandubhai Ravabhai, (4) Helper Devuben Gandubhai; (5) Dalwadi Devjibhai Chandubhai and (6) Sweeper Kalubhai Amubhai in terms of their designation, from the date they completed ten years of their service but they would not be entitled to claim any amount of pay difference for the period uptp 31.12.1991. The applicants would get the benefit of pay fixation from the date of their being permanent but they shall not be entitled to arrears in that regard. It is ordered that from 1.1.92, the applicants shall be entitled to the benefits of pay fixation together with arrears arising therefrom. Demand of the applicants for service book is not allowed. The opponent shall have to implement this order within thirty days from the date of its publication.

The opponent is ordered to pay Rs.100/- (Rupees one hundred only) to the union of the applicants towards the costs of this application."

7. The appellant challenged the aforesaid awards by filing Special Civil Applications nos.2794/94, 2795/94 and 6466/93 in this Court. The learned single Judge, by common judgment and order dated 08/23-4-1987, in Special Civil Applications Nos.2794/94 and 2795/94, modified the award of the Industrial Court, Rajkot, in Reference Nos. (ITR) 307/87 and 314/87. The learned single Judge confirmed the award of the Tribunal to the extent the University was directed to make payment to the workmen at the minimum of pay-scale. However, the learned single Judge observed that the award of the Tribunal directing making of all the workmen as permanent is without considering the relevant aspects, and directed to frame a multiple comprehensive scheme for the purpose of making the workmen permanent in class IV cadre of the University. The learned single Judge directed the Tribunal to decide the reference within a period of two months after the appellant places before the Tribunal for its consideration a scheme for extending the permanent status to the workmen. With this modification and direction, both the Special Civil Applications were disposed of.

8. In Special Civil Application No.6466/93 filed by

six workmen who were discharging the duties of different trades as daily rated workmen for a long period since 1975 and who were claiming permanent status, the learned single Judge also modified the award of the Labour Court, Surendranagar, and directed that a scheme, as per the common judgment and order in Special Civil Applications Nos. 2794/94 and 2795/94, be framed for conferring permanent status of the daily rated six workmen. It was observed by the learned single Judge that in view of the statement made by the learned counsel for the petitioner-university that the service of workmen in question shall not be dispensed with in future except in exigencies like action for any alleged misconduct or where there is requirement of declaring the existing workmen as surplus in accordance with law.

9. Mr. Chauhan, learned counsel appearing for the appellant, has vehemently submitted that the workmen who had raised industrial dispute, were admittedly 'daily rated workmen' and, therefore, their services cannot be regularised in light of the principles laid down by the Supreme Court in various decisions. In support of this submission, the learned counsel for the appellant invited our attention to the decision of the Supreme Court in the case of Ghaziabad Development Authority and others vs. Vikram Chaudhary and others, reported in (1995) 5 Supreme Court Cases 210. The Supreme Court in the aforesaid decision has observed that in absence of availability of regular posts for appointment temporary daily-wage employees cannot be regularised and they cannot claim parity of wages vis-a-vis the permanent employees. It is held that temporary daily-wage employees are only entitled to minimum wages and the principles of 'equal pay for equal work' will not arise with regard to temporary daily wage employees. In our opinion, in the facts and circumstances of the case, the principles laid down in the case of Ghaziabad Development Authority (supra) will be of no help to the appellant. In the case on hand, the workmen have been continued in service as daily rated workers since last 14 to 15 years even though there were vacancies in the appellant-university which were not filled in. This is nothing else, but to deprive the workmen of the permanent status. It is not the case of the appellant that there are regular employees available and, therefore, the workmen cannot be conferred permanent status.

10. Reliance is also placed by the learned counsel for the appellant on the decision of the Supreme Court in the case of State of U.P. and others vs. U.P. Madhyamik Shiksha Parishad Shramik Sangh and another

reported in (1996) 7 Supreme Court Cases 34. The question before the Supreme Court was with regard to regularisation of daily wagers to the post of regular Class IV employees. In this connection, the Supreme Court, in paragraph 3, has observed as under:

"It is an administrative procedure that creation of a post is a condition for filling up the post on permanent basis. The exigencies of the administration and the need for the creation of number of posts are matters of executive policy by the appropriate Government. It is stated in the special leave petition filed in this Court that during the examination conducted by the Board, when the exigencies demand for doing the manual work like lifting of bundles, pasting of envelopes and shifting of answer books, etc. the daily wagers are engaged and a sum of Rs.25 per day was being paid as fixed by the District Magistrate of Allahabad under the Minimum Wages Act. Unless the posts are created, they are not entitled to be fitted into any regular post. The performance of the manual duty may be like the duty of regular Class IV employees. However, they are not entitled for the payment of equal wages so long as there are no posts created in that behalf. We can understand that if there are vacant posts available in Class IV and they are filled up by appointing them to these posts on daily wages performing the same duties of regular employees, perhaps there may be justification for issuing directions for regularisation of their services according to rules and payment of the salary to the post to which they are fitted. But in view of the fact that no posts are created or existing, we cannot uphold the direction issued by the High Court to pay equal wages or to regularise their services."

11. As observed earlier, there are vacant posts of regular employees in the appellant-University. In spite of that, the workmen have been treated as temporary workers on daily rate basis. Such tactic of the appellant-University is nothing else but to deprive the workmen of permanent status. The appellant has a huge complex consisting of 240 quarters of their employees for which the services of the workmen of all categories, i.e., masons, pump-operators, carpenters, plumbers, are essentially needed. Most of the workmen are working with the appellant since last ten years or more as daily rated workers. The workmen are not claiming equal pay for equal work but they are claiming permanent status as Class IV employees, as they are working and have gained

more than sufficient experience in their work. Not regularising the status of daily wagers and not conferring permanent status on them is not a sign of a Model Employer, who is none else but an instrumentality of the "State", getting 100% grant from the Government. Therefore, in our opinion, the decision on which the reliance is placed by the learned counsel for the appellant in the case of State of U.P. and others vs. U.P. Madhyamik Shiksha Parishad Shramik Sangh (supra) will not apply in the facts of the present case.

12. The learned counsel for the appellant further contended that the daily wagers have no right to claim pay of regular employees and they cannot be treated on par with the persons on regular service and they cannot be paid minimum regular wages as that of the regular pay-scale. In this connection, the learned counsel for the appellant placed reliance on the decision of the Supreme Court in the case of State of Haryana & Others vs. Jasmer Singh & Others, reported in JT 1996 (10) SC 876. In the above case before the Apex Court, the workmen, who were employed as Mali-cum-Chowkidars/Pump Operators on daily wages by the State of Haryana from different dates, were claiming 'equal pay for equal work', which was paid to regular employed persons holding similar posts in service of the State. The High Court directed the State of Haryana to pay to the said workers the same salary and allowances as were paid to the regular employees holding similar posts. In this connection, the Apex Court observed that the principle of 'equal pay for equal work' is not always easy to apply. There are inherent difficulties in comparing and evaluating work done by different persons in different organisations, or even in the same organisation. In paragraph 10, the Apex Court observed that the respondents who are employed on daily wages cannot be treated as on a par with persons in regular service of the State of Haryana holding similar posts. Daily-rated workers are not required to possess the qualifications prescribed for regular workers, nor do they have to fulfil the requirement relating to age. They are not selected in the manner in which regular employees are selected. In other words, the requirement for selection are not as rigorous. The Apex Court, in view of the above observation, held that the High Court was not right in directing that the respondents should be paid the same salary and allowances as are being paid to regular employees. In the above decision, however, the Apex Court has observed that the regularisation is a matter of policy and the State concerned can regularise the services of such employees as may be specified. The

State of Haryana, in the above case, had, under a Notification, regularised the services of daily rated workers who had completed five years of service as on 31.3.1993. Therefore, it cannot be said that the services of daily rated workers cannot be regularised by conferring them permanent status when they are working in the establishment since 10 to 15 years and are having vast experience in their fields and have become skilled workers. The daily rated workers, in the present case, are not claiming 'equal pay for equal work' but they are asking for permanent status with the appellant and, after conferment of permanent status, they are asking for minimum pay-scale which is paid to the regular employees. In fact, they are asking for regularisation of their status of daily-wage workers by conferring them the permanent status and consequential relief of minimum pay-scale which is paid to regular employees of the appellant-University. Therefore, in our opinion, the decision of the Apex Court in the case of State of Haryana & Others vs. Jasmer Singh & Others, (supra) will not be of any help to the appellant.

13. It is also contended by the learned counsel for the appellant that, as per the statutory rules framed by the appellant, there is minimum qualification prescribed for the post of plumber, mason, carpenter, etc and the respondents are not possessing the minimum qualification and, therefore, they cannot be conferred the status of permanent employees. In our view, the submission of the learned counsel for the appellant deserves no merit. Before the Tribunal, the appellant as well as the respondents had led oral as well as documentary evidence and the Tribunal, in paragraph 20 of its award, noticed that no tangible evidence was adduced by the University that it had on its payroll or the muster-roll engaged any such plumber, operator-cum-mechanic or carpenter who had fulfilled the qualification so as to show that it had recruited only qualified persons. The Tribunal, on the contrary, observed that the services of many daily rated workers were regularised by the University which showed that there was utility of service of the respondents in the employment of the appellant. The Tribunal, therefore, taking into consideration the over-all situation emerging from the facts of the case, observed that it would be just that the services of these workers who commencing from the day when he was first completed 240 days of continuous services and have completed 10 years continuous service thereafter be regularised from 1.1.1993 and be paid salary and emoluments at par with permanent employees of Class-IV. It is worthwhile to note that the appellant, without appointing the persons

on regular basis, are taking work from the respondents who are continued since last many years as daily rated workers. If for any reason, ad hoc or temporary employee is continued for a fairly long spell, the authorities must consider his case for regularisation. Persons continuing in service over a number of years have a right to claim regularisation and the authorities are under an obligation to consider their case for regularisation in a fair manner.

14. The learned counsel for the appellant has also incidentally argued that the University is taking 100% grant from the Government and, unless the Government sanctions the grant, there will be heavy financial burden on the appellant because of regularisation and payment of minimum pay-scale to the respondents on the basis of pay and allowances paid to the regular workers and the appellant will be faced with financial difficulties. In our opinion, the submission of the learned counsel for the appellant is meritless. In this connection, a reference deserves to be made to the decision of the Supreme Court in the case of Chief Conservator of Forests v. J.M. Kondhare, reported in AIR 1996 Supreme Court 2898. The facts before the Apex Court were that 25 workmen had approached the Industrial Court for regularisation of their service as they were kept as casuals for long years with the primary object of depriving the status of permanent employees inasmuch as giving of those status would have required the employer to pay the workmen at a rate higher than the one under the Minimum Wages Act when the Apex Court regularised their services and ordered that they be paid all the benefits of permanent workers, and an argument was advanced that there will be burden in the State Exchequer if the daily rated workers were ordered to be regularised and paid at the rate applicable to the permanent workers. The Apex Court, while answering the above question posed before it, observed in paragraph 29 as under:

"29. The justification for paying even minimum wages could wither away, leaving any employer, not to speak of model employer like the State, to exploit unemployed person. To be fair to Shri Bhadare it may, however, be stated that the learned counsel did not extend his submission this far, but we find it difficult to limit the submission of Shri Bhadare to payment of, say fair wages, as distinguished from minimum wages. We have said so, because if a pay-scale has been provided for permanent workmen that has been done by the State Government keeping in view its legal obligations and must

be one which had been recommended by the State Pay Commission and accepted by the Government. We cannot deny this relief of permanency to the respondents-workmen only because in that case they would be required to be paid wages meant for permanent workers. This right flows automatically from the relief of regularisation to which no objection can reasonably be taken, as already pointed out. We would, however, observe that the relief made available to the respondents is not one which would be available ipso facto to all the casual employees either of the Forests Department or any other Department of the State. Claim of casual employees for permanency or for higher pay shall have to be decided on the merits of their own cases."

In view of the pronoucement of the Apex Court in the above-stated decision, we do not find any merit in the submission of the learned counsel for the appellant that there will be heavy burden on the appellant because of regularisation of the respondents as permanent employees.

15. Lastly, the learned counsel for the appellant submitted that the learned single Judge has travelled beyond the scope of reference and, therefore, the judgment and order of the learned single Judge deserve to be quashed and set aside. The learned counsel for the appellant has drawn our attention to the provisions of sub-section (4) of Section 10 of the Industrial Tribunal Act, which reads as under:

"10(4) Where in an order referring an industrial dispute to a Labour Court, Tribunal or National Tribunal under this section or in a subsequent order, the appropriate Government has specified the points of dispute for adjudication, the Labour Court or the Tribunal or the National Tribunal as the case may be shall confine its adjudication to those points and maters incidental thereto."

The learned counsel for the appellant has, in support of his contention as noted above, invited our attention to the decision of the Apex Court in the case of M/s. Firestone Tyre & Rubber Co. of India (P) Ltd vs. The Workmen Employed represented by Firestone Tyre Employees' Union, reported in AIR 1981 Supreme court 1626. The Apex Court, in the abovereferred case, noticed that where in a reference only the question as to whether workmen shown in two parts of paragraph in the schedule attached to the reference, should be reinstated was referred, and the Tribunal gave a finding that due to subsequent

reinstatement of workmen shown in one part of the para, there was discrimination and also unfair labour practice was involved, the Tribunal would be deemed to have travelled outside its jurisdiction in recording a finding of unfair labour practice and discrimination. The issue of unfair labour practice or discrimination by reason of subsequent reinstatement on a permanent basis of some and not all was not a matter referred to the Tribunal for adjudication, nor it could be said to be in any way connected with or incidental to the right of reinstatement claimed by the workmen from the date of their dismissal. Relying on the aforesaid observations of the Apex Court, the learned counsel for the appellant has submitted that, though the question, which was referred to the Tribunal, was confined to only "whether the workmen shown in the Schedule should be made permanent on and from the completion of 240 days or not and, if yes, whether they should be paid all the benefits available to the permanent workmen i.e. arrears from the date of their completion or not ?", the learned single Judge has travelled beyond jurisdiction and the scope of the reference. It is submitted that, as per the terms of reference, it was not open to the learned single Judge to direct the appellant to submit a scheme for conferment of permanent status of the workmen in question and, therefore, it should be held that the learned single Judge has travelled beyond the terms of reference.

16. The learned single Judge, after referring to various precedents of the Apex Court and other High Courts, observed that the principles emerging from the decisions referred to, are as under:

(i) That law does not favour ad hoc or temporary employment continuing for long spells, as it breeds unhealthy and unreasonable service environment endangering industrial peace periliously affecting dignity and quality of life of those whose security of work is under constant threat.

(ii) Article 14 of the Constitution is embodiment of rule against arbitrariness and unreasonableness in the State action in all spheres of its activities. Article 21 of the Constitution which guarantees protection against deprivation of life and personal liberty includes within it right to dignified livelihood. Article 39(d) spells out the directive principles of the State policy towards securing equal pay for equal work for

both woman and man and Article 42 stipulates the Directive Principles of the State policy in securing just and humane conditions of work.

(iii) equal pay for equal work and security by regularising casual employees of long duration within a reasonable period have been unanimously accepted as Constitutional goal to our polity. To this end, thrust has been that the management particularly Government agencies should not allow workers to remain as casual labourers or temporary employees for unreasonably long period of time.

(iv) mere continuation for some period on ad hoc by itself does not give a right to permanency but where for any reason ad hoc or temporary employees are continued for fairly long spell they have a right to claim regularisation and the authorities are under obligation to consider their case for regularisation in a fair manner.

(v) regularisation can not be resorted to by governmental agencies as mode of fresh recruitment to permit backdoor entries to frustrate the mandate of Article 16 by making a straight jacket measure of service for regularising the appointment made de hors the rules, unmindful of the circumstances under which the appointment had been made.

(vi) the first condition for laying claim for regularization is availability of work on reasonably permanent basis. Mere continuance for some time of a casual or ad hoc employee does not give right to presume about need for continued employment but continuation of causal or ad hoc employee for a long duration of several years a presumption for need for regular permanent employment may be justified.

(vii) Apart from the right to reasonable treatment by State agencies and security of job emanating from Constitutional provisions, Industrial Disputes Act is legislative measure giving effect to directive principles of State Policy in the field of ensuring equal pay for equal work and ensuring security of job with just and humane conditions

by providing prohibition against practising of unfair labour practice both by employers and employees and defining the term unfair labour practice to include practice of engaging workmen for long spells characterising them badli, casual, temporary, ad hoc with the object of denying them status of permanency and benefits and privileges attached thereto.

(viii) An industrial claim by workers, continuing for long spell as casual or temporary under an employer governed by Industrial Disputes Act, to permanency is a demand which can be achieved through collective bargaining or a claim giving rise to industrial dispute which can be enforced through adjudication under the provisions of the I.D. Act.

(ix) In situation emerging from long spell of ad hoc or temporary or casual employment of daily rated workmen, courts have consistently resorted to issue directions for framing a scheme for regularisation of such workmen on a just and fair basis to the employer or have also issued directions for regularising the petitioners before it as the circumstances of the case may warrant but ordinarily in the first instance an opportunity is being given to the employer himself to frame a scheme in a fair and just manner of absorbing such casual workmen on permanent basis whether in one go or in a phased manner and has considered objections thereto, if any, before according its approval to such scheme.

(x) In considering the question of granting relief as to conferring status of permanency and emoluments and privileges attached thereto, primary consideration is existence of permanent nature of work for such casual employees to be utilised against it and the extent of absorption on regular and permanent basis depends upon the extent of regular work available against which temporary employee can be regularly employed. Regularisation or permanency is not to be resorted in cases where the establishment by itself is of temporary nature; where the employment is not with the object of offering employment but for ameliorating financial condition of weaker sections of the society like employment under Jawahar Yojana or where

employment has been secured or offered by committing illegalities, irregularities or fraud as in the case of Ashwini Kumar (supra) where the appointments were found to have been given to six thousand persons out of all proportion to the existing requirement of the project for about 800 persons only, by the Director of the project Mr. Malik by committing illegalities, irregularities and fraud as per the investigation report. In which case the appointments against rules were held to be nullity and void ab initio.

17. The learned single Judge observed that the Tribunal had not taken into consideration certain relevant aspects notwithstanding that such question implicitly arises in a case of industrial dispute concerning grant of permanent status and emoluments and privileges attached thereto by the workmen under the Industrial Dispute Act, nor the Tribunal had considered after reaching the conclusion about long duration of work and existence of permanent work the extent to which permanent nature of work is available in each trade and corresponding necessity of number of permanent workmen to discharge that work before directing the employer to make all the workmen as permanent on completion of 10 years of service as on 1.1.1993 or thereafter if they were in service prior to the date of making of reference, nor does it appear from the award that in the first instance any opportunity was given to the employer after reaching the conclusion about necessity for making the concerned workmen permanent to discharge its managerial obligation for framing a scheme or making such employees permanent and placing before the Tribunal. These issues require investigation into further facts and depend upon evidence of variable nature which can be led before the Tribunal.

18. Bearing in mind the above principles and the ratio laid down by the Apex Court in the case of Daily Rated Casual Labour Employed Under P & T Department, vs. Union of India, reported in AIR 1987 Supreme Court 2342, the learned single Judge thought it fit to direct the appellant ot submit the scheme for conferring perment status to the respondents.

19. When the question of framing of scheme cropped up before the learned single Judge, the learned counsel for the appellant stated that the claim of permanent is not confined to workmen involved in these two petitions but a large number of such disputes are pending adjudication before various Labour Courts/Industrial Tribunal in State

and it will be only just and fair that the petitioner instead of making multiple schemes for such purpose separately in each case may be permitted to frame a comprehensive scheme for the purpose of considering all pending litigations and number of workmen involved. In light of the submissions made by the learned counsel for the appellant, the learned single Judge directed the petitioner to submit a scheme covering the present workmen and other workmen whose claim for permanent status was pending in other courts and tribunals. When the appellant itself had invited an order for framing of such scheme, it cannot be contended that the learned single Judge had travelled beyond the terms of reference by ordering framing of a scheme. Therefore, in our considered view, we do not find any substance in the submission of the learned counsel for the appellant that the learned single Judge has travelled beyond the scope of reference.

20. These are the only submissions advanced by the learned counsel for the appellant before us. We do not find any substance in any of the submissions of the learned counsel for the appellant. In the aforesaid facts and circumstances of the case, we do not find any reason to interfere with the judgment and order of the learned single Judge.

21. As a result of foregoing discussion, all these three appeals are summarily dismissed. The learned single Judge had directed the appellant to submit a scheme for consideration of the Tribunal with regard to extending permanent status to the workmen in question and the like workmen employed under it within a period of two months from the date of receipt of writ of the judgment and order, but, since the above direction was given way back in the month of April 1997, we direct the appellant to submit a scheme for consideration of the Tribunal with regard to extending permanent status to the workmen in question and the like workmen employed under it within a period of one month from the date of receipt of writ of this order, and the Tribunal shall thereafter make an award within three months after inviting objections and suggestions from the respective parties. There shall be no order as to costs.

22. Consequently, there shall be no order on Civil Applications.

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